

QLDC Council
18 December 2014

Report for Agenda Item: 8

Department

Legal and Regulatory

8: Litter Offences and Fees

Purpose

- 1 To approve the proposed litter offences and infringement fee structure.

Recommendation

- 2 *That Council:*
 - a. **Adopt** the proposed litter offences and infringement fee structure.

Prepared by:



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Regulatory Manager

1/12/2014

Reviewed and Authorised by:



Scott Carran
General Manager, Legal and
Regulatory
3/12/2014

Background

- 3 The Council's strategy for littering is to 'provide a litter free district that our community is proud of for all to enjoy'. This is enforced through the Litter Act 1979 ("the Act"). The Chief Executive's work plan also requires the implementation of the Enforcement Strategy, of which littering is a primary area of focus.
- 4 On 27 November 2014, the Council approved the public notification of a proposed litter infringement fee structure and the associated offences (Attachment A). However, before these offences and fees could be adopted, Section 13 of the Act required the Council to give a minimum of 14 days' public notice of its intention to do so.
- 5 The required public notification has been undertaken in accordance with the Act and the Council can now resolve to adopt the offences and associated fees for littering.

Comment

Decision

- 6 The Local Government Act 2002 was recently amended and requires Council to consider the following when making decisions:
 - a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) assess the options in terms of their advantages and disadvantages; and
 - c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.
- 7 The ability to infringe offenders is the only reasonably practicable option to deal with certain littering issues. Infringements will be applied in conjunction with education about the issues in our community, what the offences are and the provision of suitable means of litter disposal.

Littering

- 8 The Act provides the Council with the ability to create littering offences and to set a maximum infringement fee of up to \$400.
- 9 Infringement fees provide a greater incentive for would-be offenders to reconsider their intentions and instead of littering, to deposit the material appropriately.
- 10 The level of littering seen across the district ranges from low level offending, such as discarded cigarette butts, to high level offending including trailer loads being dumped illegally. This is a particular problem at the Shotover Delta.
- 11 Blue bags and recycling have also been left on Council land throughout the day in the Central Business District, creating an ongoing visual blight.

Financial Implications

- 12 There are minimal financial implications of approximately \$600, which are the costs of the required public notification of the offences and associated infringement fees, and the costs to produce infringement books. These costs will be met through existing budgets.

Local Government Act 2002 Purpose Provisions

- 13 The ability to issue infringements for littering achieves the purpose of the Local Government Act 2002 as it enables the efficient and effective conduct of Council's regulatory activities regarding littering and the implementation of the Enforcement Strategy.

Council Policies

14 The following Council Policies were considered:

- a) Significance and Engagement Policy: the decision is not significant under the Council's Significance and Engagement Policy.
- b) Enforcement Strategy.

Consultation

15 The Litter Act 1979 requires the Council to give at least 14 days' public notice of its intention to create offences and set infringement fees.

Publicity

16 The Council publically notified its intention to adopt the attached littering infringement offences and associated fees in accordance with the Act in the Otago Daily Times ("ODT") on 2 December 2014.

17 Further additional publicity has been undertaken in the following publications:

- Scuttlebutt
- Lakes Weekly Bulletin
- Upper Clutha Messenger
- Wanaka Sun
- Mirror

18 Notification in these publications is additional to that of the ODT, which is sufficient to meet the requirements of the Act.

Attachments

A Infringement Offences and Fee Structure

Attachment A - Infringement Offences and Fee Structure

Infringement Offence	Infringement Description	Infringement Fee
Deposits any litter in or on any public place or on any private land without the consent of its occupier.	Deposits litter of less than 1 litre	\$100
	Deposits litter of 1 litre to less than 30 litres	\$200
	Deposits litter of 30 litres to 60 litres	\$300
	Deposits litter of more than 60 litres; or Deposits garden waste; or Deposits building materials.	\$400
Having deposited any litter (whether inadvertently or otherwise) in or on any public place or on any private land without the consent of its occupier, and leaves the litter there.	Deposits litter of less than 1 litre	\$100
	Deposits litter of 1 litre to less than 30 litres	\$200
	Deposits litter of 30 litres to 60 litres	\$300
	Deposits litter of more than 60 litres; or Deposits garden waste; or Deposits building materials.	\$400